

NOT TO BE PUBLISHED

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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT
(Sacramento)

THE PEOPLE,

Plaintiff and Respondent,

v.

CHRISTOPHER CHARLES HAYNES,

Defendant and Appellant.

C087390

(Super. Ct. No. 16FE011224)

Appointed counsel for defendant Christopher Charles Haynes has filed an opening brief that sets forth the facts of the case and asks this court to review the record and determine whether there are any arguable issues on appeal. (*People v. Wende* (1979) 25 Cal.3d 436 (*Wende*)). We affirm the judgment.

We provide the following brief description of the facts and procedural history of the case. (See *People v. Kelly* (2006) 40 Cal.4th 106, 110, 124.)

BACKGROUND

Defendant invited the victim, a teenager, to his home and touched him in a lascivious manner, intending to arouse defendant's sexual desires. A search of the victim's phone revealed hundreds of text messages between defendant and the victim. The text conversations included defendant trying to convince the victim to participate in a ritual with sexual acts, telling the victim he wanted to have sex with him, and threatening suicide.

A jury found defendant guilty of communication with a minor with intent to commit a sex offense. (Pen. Code, § 288.3, subd. (a).)¹ The jury was unable to reach a verdict on two other counts. Defendant ultimately pleaded no contest to one count of oral copulation of a minor (§ 288, subd. (a)) and the trial court dismissed the other count on the People's motion. The trial court suspended imposition of sentence, and granted defendant five years' probation, including one year in jail.

DISCUSSION

Appointed counsel filed an opening brief that sets forth the facts of the case and requests this court to review the record and determine whether there are any arguable issues on appeal. (*Wende, supra*, 25 Cal.3d 436.) Defendant was advised by counsel of the right to file a supplemental brief within 30 days of the date of filing of the opening brief. More than 30 days elapsed, and we received no communication from defendant.

Having undertaken an examination of the entire record, we find no arguable error that would result in a disposition more favorable to defendant.

¹ Undesignated statutory references are to the Penal Code.

DISPOSITION

The judgment is affirmed.

/s/

HOCH, J.

We concur:

/s/
RAYE, P. J.

KRAUSE, J.